

VIRGINIA:

IN THE CIRCUIT COURT OF THE PRINCE WILLIAM COUNTY

**Norma Aguilar
13587 Gelding Place
Gainesville VA 20155**

Plaintiff:

**Burlington Coat Factory of Virginia, LLC
7685 Sudley Rd
Manassas, VA 20109**

Defendant:

Address of Incident:
Burlington Coat Factory
7685 Sudley Rd
Manassas, VA 20109

0121-5531
Case No.

FILED
2021 JUN 24 AM 11:39
DR

COMPLAINT

COMES NOW plaintiff, Norma Aguilar, by counsel, and moves this Honorable Court for Judgment against the Defendant, Burlington Coat Factory of Virginia, LLC, on the grounds and in the amount hereinafter set forth.

1. On June 25, 2019 at approximately 9:19 p.m., plaintiff, 69 year old female, Norma Aguilar, was walking down a clothing aisle at the Burlington Coat Factory located at 7685 Sudley Rd., Manassas, in Prince William County, Virginia.
2. The plaintiff stepped on a plastic coat hanger or hard plastic material used by the store employees for sizing clothes that was left on the floor of the aisle causing her to slip and fall to the floor. The fall left her prone on the floor and the trauma of the fall caused



her to lose control of her bowels, causing emotional and mental distress as well as severe physical pain.

3. At this time and place, and at all relevant times thereto, it was the duty of the defendant Burlington Coat Factory of Virginia, LLC to maintain the aisle of the store in a manner that was safe for customers to walk through without fearing stepping on items that may cause their fall. Furthermore, it was the duty of the defendant to monitor the aisle to ensure that there were no items that had falling on the ground that could cause customers to step on them and slip and fall.
4. Notwithstanding these duties, the defendant, Burlington Coat Factory of Virginia, LLC. negligently failed to keep its store aisle clean of items, such as hard plastic round or oval shape items use for sizing cloths, coat hangers and other items that would cause a person to fall if the person stepped on them.
5. As a direct and proximate result of the defendant's negligence, the plaintiff fell on the store's hard floor and sustained serious injuries, namely fractures of her hip in four different areas and other bodily injuries.
6. As Plaintiff laid on the ground in excruciating pain, none of the defendant's representatives or employees came to speak to the Plaintiff to inquired about her injury, much less offer any kind of assistance to the Plaintiff.
7. Plaintiff defecated on herself following her fall to the ground. Plaintiff was not only in absolute physical pain, but also extremely embarrassed and anguished that she had defecated on herself on the floor of the store in plain view of the public. Rather than doing

anything to ameliorate Plaintiff mental and physical suffering, at least two of Plaintiff's employees stood near the Plaintiff while she was on the ground and simply observed her from a distance without taking any action to assist Plaintiff.

8. A kind customer was the only person that assisted Plaintiff after she fell by covering Plaintiff with a towel and placing towels under her head to make her more comfortable on the floor. None of the employees offer any assistance to the defendant who was on the floor in extreme pain and covered in her own human waste.
9. As a result of her injuries, Plaintiff was prevented from continuing to work, has suffered and will continue to suffer bodily pain and mental anguish, and has incurred and will incur in the future, medical bills related to the treatment of her injuries.

WHEREFORE, the plaintiff, NORMA AGUILAR requests Judgment against the defendant, Burlington Coat Factory of Virginia, LLC, in the amount of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) with interest from the date of this accident and costs for her injures, current and future medical expenses, and for her pain and suffering, PLUS, THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages for the defendant's egregious conduct and wonton disregard of Plaintiff's pain and suffering.

NORMA AGUILAR
By Counsel



Guillermo D. Uriarte, Esq.
Counsel for Plaintiff
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COVER SHEET FOR FILING CIVIL ACTIONS
 COMMONWEALTH OF VIRGINIA

 Case No. _____
 (CLERK'S OFFICE USE ONLY)

Circuit Court

 NORMA AGUILAR
 PLAINTIFF(S)

 v./In re: BURLINGTON COAT FACTORY OF VIRGINIA LLC
 DEFENDANT(S)

 I, the undersigned ☐ plaintiff ☐ defendant ☐ attorney for ☐ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)
GENERAL CIVIL**Subsequent Actions**

- ☐ Claim Impleading Third Party Defendant
- ☐ Monetary Damages
- ☐ No Monetary Damages
- ☐ Counterclaim
- ☐ Monetary Damages
- ☐ No Monetary Damages
- ☐ Cross Claim
- ☐ Interpleader
- ☐ Reinstatement (other than divorce or driving privileges)
- ☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
- ☐ Compensated Judgment
- ☐ Contract Action
- ☐ Contract Specific Performance
- ☐ Detinue
- ☐ Garnishment

Property

- ☐ Annexation
- ☐ Condemnation
- ☐ Ejectment
- ☐ Encumber/Sell Real Estate
- ☐ Enforce Vendor's Lien
- ☐ Escheatment
- ☐ Establish Boundaries
- ☐ Landlord/Tenant
- ☐ Unlawful Detainer
- ☐ Mechanics Lien
- ☐ Partition
- ☐ Quiet Title
- ☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
- ☐ Compromise Settlement
- ☐ Intentional Tort
- ☐ Medical Malpractice
- ☐ Motor Vehicle Tort
- ☐ Product Liability
- ☐ Wrongful Death
- ☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
- ☐ ABC Board
- ☐ Board of Zoning
- ☐ Compensation Board
- ☐ DMV License Suspension
- ☐ Employee Grievance Decision
- ☐ Employment Commission
- ☐ Local Government
- ☐ Marine Resources Commission
- ☐ School Board
- ☐ Voter Registration
- ☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
- ☐ Adoption - Foreign
- ☐ Adult Protection
- ☐ Annulment
- ☐ Annulment - Counterclaim/Responsive Pleading
- ☐ Child Abuse and Neglect - Unfounded Complaint
- ☐ Civil Contempt
- ☐ Divorce (select one)
- ☐ Complaint - Contested*
- ☐ Complaint - Uncontested*
- ☐ Counterclaim/Responsive Pleading
- ☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
- ☐ Separate Maintenance
- ☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
- ☐ Habeas Corpus
- ☐ Mandamus
- ☐ Prohibition
- ☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
- ☐ Aid and Guidance
- ☐ Appointment (select one)
- ☐ Guardian/Conservator
- ☐ Standby Guardian/Conservator
- ☐ Custodian/Successor Custodian (UTMA)
- ☐ Trust (select one)
- ☐ Impress/Declare/Create
- ☐ Reformation
- ☐ Will (select one)
- ☐ Construe
- ☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
- ☐ Appointment (select one)
- ☐ Church Trustee
- ☐ Conservator of Peace
- ☐ Marriage Celebrant
- ☐ Approval of Transfer of Structured Settlement
- ☐ Bond Forfeiture Appeal
- ☐ Declaratory Judgment
- ☐ Declare Death
- ☐ Driving Privileges (select one)
- ☐ Reinstatement pursuant to § 46.2-427
- ☐ Restoration - Habitual Offender or 3rd Offense
- ☐ Expungement
- ☐ Firearms Rights - Restoration
- ☐ Forfeiture of Property or Money
- ☐ Freedom of Information
- ☐ Injunction
- ☐ Interdiction
- ☐ Interrogatory
- ☐ Judgment Lien-Bill to Enforce
- ☐ Law Enforcement/Public Official Petition
- ☐ Name Change
- ☐ Referendum Elections
- ☐ Sever Order
- ☐ Taxes (select one)
- ☐ Correct Erroneous State/Local
- ☐ Delinquent
- ☐ Vehicle Confiscation
- ☐ Voting Rights - Restoration
- ☒ Other (please specify)

☐ Damages in the amount of \$ 500,000.00 are claimed.

06/24/2021

DATE

GUILLERMO D. URIARTE

PRINT NAME

5881 LEEBSBURG PIKE #402

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

FALLS CHURCH VA 22041

703 998 0000

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

FORM CC-1416 (MASTER) PAGE ONE 07/16

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☐ PLAINTIFF☐ DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.